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## SENATE RESOLUTION

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URGING AGENCIES SUBJECT TO THE HAWAII ADMINISTRATIVE PROCEDURE  
ACT TO STRICTLY ADHERE TO THE HAWAII ADMINISTRATIVE  
PROCEDURE ACT DURING THE RULE MAKING PROCESS.

1 WHEREAS, the Hawaii Administrative Procedure Act, chapter  
2 91, Hawaii Revised Statutes, establishes rule making  
3 requirements for certain state and county agencies; and  
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5 WHEREAS, section 91-3, Hawaii Revised Statutes, requires  
6 that an agency, before adoption, amendment, or repeal of a rule,  
7 give at least thirty days' notice of a public hearing; and  
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9 WHEREAS, the notice must contain:  
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- 11 (1) A statement of the topic of the proposed rule  
12 adoption, amendment, or repeal or a general  
13 description of the subjects involved;  
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- 15 (2) A statement that a copy of the proposed rule to be  
16 adopted, the proposed rule amendment, or the rule  
17 proposed to be repealed will be mailed to any  
18 interested person who requests a copy, pays the  
19 required fees for the copy and the postage, if any,  
20 together with a description of where and how the  
21 requests may be made;  
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- 23 (3) A statement of when, where, and during what times the  
24 proposed rule to be adopted, the proposed rule  
25 amendment, or the rule proposed to be repealed may be  
26 reviewed in person; and  
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- 28 (4) The date, time, and place where the public hearing  
29 will be held and where interested persons may be heard  
30 on the proposed rule adoption, amendment, or repeal;  
31 and  
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1 WHEREAS, each rule proposed to be adopted, amended, or  
2 repealed is subject to approval by the Governor, in the case of  
3 state agency rule making, or applicable mayor, in the case of  
4 county agency rule making, and if approved, becomes effective  
5 ten days after filing with the Lieutenant Governor or county  
6 clerk, as applicable; and  
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8 WHEREAS, the Hawaii Administrative Procedure Act was  
9 enacted to establish procedures, ensure transparency, protect  
10 due process rights, and promote sound business practices; now,  
11 therefore,  
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13 BE IT RESOLVED by the Senate of the Twenty-eighth  
14 Legislature of the State of Hawaii, Regular Session of 2015,  
15 that all agencies subject to the Hawaii Administrative Procedure  
16 Act, chapter 91, Hawaii Revised Statutes, and having rule making  
17 authority are urged to strictly adhere to the provisions set  
18 forth by the Hawaii Administrative Procedure Act during the rule  
19 making, amending, or repealing process, including rule making to  
20 modify rates paid by an agency to third parties; and  
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22 BE IT FURTHER RESOLVED that certified copies of this  
23 Resolution be transmitted to the Governor and Mayor of each  
24 county.

